THE PORT FOLIO
ENLARGED.

BY OLIVER OLDSCHOOL, ESQ.

"VARIOUS, THAT THE MIND
OF DESULTORY MAN, STUDIOUS OF CHANGE,
AND PLEAS'D WITH NOVELTY, MAY BE INDULGED"
COWPER.

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ORIGINAL PAPERS.

FOR THE PORT FOLIO.

THE AMERICAN LOUNGER,

BY SAMUEL SAUNTER, ESQ.

No. IV.

MY second speculation, in which I introduced the letter from "Omicron," deriding the cant of modern comedy, has drawn not the resentment, nor the sword, but the prompt pen of a good natured writer, whose letter, without farther preface, I now usher into public.

TO SAMUEL SAUNTER, ESQ.

"Venite, nugæ!"

MY OLD FRIEND,

"I owe you one." Ah! I think you might be a little more tender of an old acquaintance. As soon as I had done reading your note in reply to Omicron, in No. 3 of the Port Folio, I started up, and who could help swearing? He means *me* by ....., said I. Erskine was not more sure that the emperor of China meant him, when he talked of

"The bar pleader, whom mobs call divine,
Known by the symbols of *I, me, and mine,*"

than I was, that you meant to rank me among "several worthy young gentlemen," with whom you have the honour to be acquainted, who gather catch words at the theatre, in order that their conversation may have some rhetorical embellishments.

"Why!" cried I, in a rage, "where the devil else should I learn rhetorical embellishments?".... And, moreover, if I could get them from any other source, though they were ten times as embellishing, they would not be half so much attended to, or have half so much effect in enlivening conversation, especially with the ladies.

My friend, Jack Studious, who is one of the greatest bookworms that I know, but who, nevertheless, is as polite and graceful, as if he had been brought up in a ball-room, would sometimes undertake to lecture me on my using cant phrases or catch words, from Moreton or O'Keefe, in company. Sometimes he would make me feel a little ashamed of the habit:.....but mark the sequel..... Jack and I visited in the same families. I would run on a whole evening, with "Whiz!....Dam'me! Turn the Corner!....That's your Sort!....Dam'me, Dad!....Dash on, Keep moving," and, within these few weeks past, with "Thank ye, sir, or ma'am, I owe you one....Very well for a Bumpkin....I owe you half a one," &c. &c. What was the consequence? My liveliness and wit were applauded, and kept the whole company in a roar; whilst poor Jack, who might have shone in a political conversation with Morris and Tracy, or in a learned one with Andrews or Magaw, sat, still as a stockfish, totally unheeded.

And then, the dear patrons of wit and pleasing talents, the ladies, to be in whose good favour, has been the constant study of my life, they too would laugh so charmingly. Upon my soul, Sam, I did not think you would show the old bachelor so much, as to give your friends such dry rubs, for exerting their memories in retaining, and their talents in retailing scraps of plays, even allowing them to be nonsensical, when their only object is to please the ladies, and their only reward....the loud laugh of the fair, expressive of their most sincere gratification.

"Well, Jack," said I, one evening as we walked homeward together, "you surely will never again advise me to drop the silly practice, as you call it, of quoting, before the ladies, the most foolish and unmeaning phrases that can be gathered from modern comedies. Did you not observe how delighted all the dear creatures seemed at my wit? I heard Miss S. say in a loud whisper, what a *lively* young gentleman Mr. Harebrain is! He is very *sensible!* whispered Miss I. A prodigious *wit!* said Miss P. And, my dear Jack, you were no more taken notice of, than if you had been helping the man in the moon to pick up his sticks, after an eclipse."

"'Tis woman that makes dunces of us all!" cried Jack. "I will reason no more with you upon the subject. To render one's presence in society agreeable, and particularly in female society, I find, requires neither wit nor learning..... Let a young fellow learn how to make a bow, with the mind and memory of a parrot, and the grimace and chatter of a monkey, my life on't he will succeed. I will no longer attempt to stem the torrent. I must be unnoticed or laughed *at*, on the one hand,....noticed and laughed *with*, on the other. The alternative is before me. Vive la bagatelle! I chuse the latter; and now, Dick, I enter the lists, as a candidate for the palm of folly and impertinence."

"Thank you, Jack," said I, "I owe you one."

Thus you see, Mr. Saunter, I have made a convert before you. When you shall prove that you have made one, I will cheerfully acknowledge it to be well done for a bumpkin, and that "I owe you half a one,"

Your's, till death,

DICK HAREBRAIN.

I have perused Mr. Harebrain's billet, with more than common complacency, because I think him a distant relation of the *Loungers*, and because, though wild, he is gentle. In his vagaries, there is nothing desparately mad; and he seems capable of going to the play, "*soberly*, as lady Grace says." Perhaps, such a gay, fantastic fellow would think it little better than downright impertinence, were I to conclude gravely, or obtrude advice. But, as I perceive that the desultory character of my correspondent has a broad foundation of good sense, and that his volatility, like the effervescence of champaign, argues nothing but the brisk and the generous, I will venture to tell him, that *he* may at once be a small talker and a scholar, and, if he will read with *Jack Studious* all the morning, he may, as cheerily as he pleases, cry *vive la bagatelle* at night.

MISCELLANY.

FOR THE PORT FOLIO.

AN AUTHOR'S EVENINGS.

FROM THE SHOP OF MESSRS. COLON AND SPONDEE.

DRUMMOND*, a name dear to poetry, has published a very elegant translation of the Satires of Aulus Persius Flaccus. In comparing it with the versions of the energetic Dryden, it must suffer, in a degree, the charge of inferiority. But, if it be less melodious here, or less nervous there, still it is more uniformly faithful and correct, than the translation by his mighty predecessor. The author modestly hopes, that

Enlighten'd WARTON may approve the style;
And classic GIFFORD nod the head and smile.

This neat and accurate copy of a great original, is the production of a member of the British parliament; and it is pleasing to find a senator and a poet in one. It exhibits, not only versatility of talent, but is a sufficient proof of mental power. It may be remembered, that Persius was of the school of Zeno, that his morality is austere, and his tones indignant. He is more solicitous to admonish, than to soothe his reader, and gives his admirable advice in the tone of a master, rather than of a companion. As a specimen of a most delightful version of the rugged latinity of this austere ancient, I have amused myself by transcribing, from the third satire, the animated expostulation from a philosophical preceptor, to his indolent pupil.

What, always thus? Now, in full blaze of day,
Sol mounts the skies, and shoots a downward ray;
Breaks on your darken'd chamber's lengthen'd night,
And pours through narrow chinks long streams of light;
Yet still, subdued by SLEEP's oppressive power,
You *slumber*, heedless of the passing hour;
Of strong *Falernian* dissipate the fumes,
And *snore*, unconscious, while the day consumes.
See the hot sun through reddening Leo roll,
The raging Dog star fire the glowing pole;
The yellow harvest waving o'er the plain,
The reapers bending o'er the golden grain;
Beneath the spreading elm the cattle laid,
And panting flocks recumbent in the shade.
"Is it indeed so late?" the sluggard cries;
"Who waits? Here, slaves! be quick, I wish to rise."
At length to study see the youth proceed,
Charg'd with his book, his parchment, and his reed.
But now he finds the ink too black to write;
And now, diluted, it escapes the sight;
Now it is made too thick, and now too thin,
And now it sinks too deeply in the skin.
The pen writes double, and the point too wide
O'er the smooth vellum pours the sable tide.
O wretch! whose habits into vices grow,
Whose life accumulates the means of woe!
Dismiss the scholar, be again the boy,
Replace the rattle, re-assume the toy;
Repose in quiet on your nurse's lap,
Pleas'd by her lullaby, and feed on pap.
Who is deceiv'd; for whom are spread those lures?
Is the misfortune mine, or is it yours?

* The celebrated William Drummond, of Hawthornden, was the delight of contemporary wits. He was so beloved by BEN JONSON, that he made a *pedestrian* excursion to Scotland, to visit the darling bard.

That you refuse to listen to the truth,
And waste in idleness the hours of youth.
And *you*, what arts what pleasures can entice
To wander in the thorny paths of vice?
You, who so lately from the porch have brought
The godlike precepts, which great Zeno taught?
You, who in schools of rigid virtue bred,
On simple fare with frugal sages fed,
Where watchful youth their silent vigils keep,
And midnight studies still encroach on sleep?
You, who have listen'd to Instruction's voice,
And with the Samian sage have made your choice;
Are you content to lose life's early day,
Or pass existence in a dream away?
Ah! thoughtless youth, ere yet the fell disease
BLANCH YOUR PALE CHEEK, and on its victim seize,
Apply the remedy, nor idly wait
'Till hope be fled, and med'cine come too late.

FESTOON OF FASHION.

FOR THE PORT FOLIO.

AS it is, unfortunately, the fashion to play at cards, every lady will drop her hand for a moment, or cease the inquiry of *what's trumps*, or who has *pam*, to read the following important intelligence:

Mr. Ludlow, of Walworthy, and Ann Wilcox, of London, have recently obtained the king's patent for improved playing cards.

In these cards, the pips are reversed, so as to appear the same both ways; round each pip of spades and hearts, is a line of the colour of the suit, then a white line; and the remainder of the card is black or red, according to the suit. The diamonds and clubs are white, on a black or red ground, respectively. The aces and court cards are also distinguished, by various appropriate ornaments, so as to obviate those mistakes, which sometimes happen in playing. The edges of the packs are gilt or coloured.

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By the favour of a friend, we are enabled to narrate the *new* stile of dress, at the *mint* of the mode.

PARISIAN FASHIONS.

Silk stuffs are adopted for full dress for the winter, and muslins for undress. The *robes de bals á la clotilde, á la Hebe, á la Syrene*. The Swiss, Italian, and Spanish dresses, are all made of these materials. Among the most admired, for their novelty and beauty, are the

Belles Douillettes á la Russienne.

These cloaks are of three cuts, and three different sorts of wadding, according as the wearer is more or less delicate, from rude health, to an invalid state. They are also adapted to the different shapes, some for slender persons, some for *en bon point*, and some for those, who are much encumbered with flesh. They are extremely convenient, and find a ready admittance into fashionable society.

Robe Ronde, á la Hersilie.

This dress has a long train, fastens on the tip of the shoulders, and forms a heart upon the back, ornamented *à l'Etrurie*, and about four inches and a half in the length of the waist, at the side. The front appears like a petticoat, which comes round the breast, and is fastened on the shoulder. The cut terminates at the knee with an acorn. It is of a superb style. The sleeves are short and ornamented.

Robe Ronde, á la Calypso.

This dress is in narrow plaits on the neck. It has two bars, one in the shape of a tongue, and the waist behind is of a new cut. It has a long train. The sleeves are short, and with three tufts.

Robe à la Hamadryade.

This dress is very handsome for riding, or a morning walk.

Chemise á la Vestale.

The collar is partly Spanish and partly French, and bound round the waist, with a cestus *à la Juno.*

Surtout à la Sultane.

This charming dress is open, and worn over white dresses, or some bright colour. It has a train, and is of a very striking appearance.

Surtout á la Hegemone.

This is peculiarly adapted for balls. It has but one sleeve, and reaches only to the calf of the leg, close at the side, and rounded.

All these latter dresses are of Florence satin, Pekin satin, muslin, plain and embroidered, painted linen, gauze, crape, &c. &c.

The corsets *à la Creole* are also much admired as a ball costume. They are trimmed with pearl, tinselled or embellished with silk. Spencers of double Florence, wadded, are also in repute.

POLITICS.

THE GENUINE SPEECH OF MR. MORRIS.

[To-day, we postpone many articles of gay miscellany, to give an honourable place to the reasoning and the eloquence of GOVERNEUR MORRIS, a senator from the state of New-York, who, in this perilous hour, has stood forth the CHAMPION OF THE CONSTITUTION, with a statesman's research, a soldier's courage, and an American's pride. *This* edition of his speech, we are entitled to affirm, is a correct one, in which the reporter has faithfully followed the orator. As a *political* argument, this perfect defence of an ancient system ought to convince the incredulous, to cure the prejudiced, and mitigate the factious. As a *specimen of eloquence*, it affords a new proof, that, however inferior the new may be to the elder world, in poetry, painting, or sculpture, yet, in the art of convincing and persuading men, we have many, whose "tongues drop manna."

MR. PRESIDENT,...I had fostered the hope that some gentleman who thinks with me, would have taken upon himself the task of replying to the observations, made yesterday and this morning, in favour of the motion on your table. But, since no gentleman has gone so fully into the subject as it seems to require, I am compelled to request your attention.

We were told yesterday, by the honourable member from Virginia, that our objections were calculated for the by-standers, and made with a view to produce effect upon the people at large. I know not for whom the charge is intended. I certainly recollect no such observations. As I was personally charged with making a play upon words, it may have been intended for me. But surely, sir, it will be recollected, that I declined that paltry game, and declared, that I considered the verbal criticism which had been relied on, as irrelevant. If I can recollect what I said, from recollecting well what I thought, and meant to say, sure I am, that I uttered nothing in the style of an appeal to the people. I hope no member of this house has so poor a sense of its dignity, as to make such an appeal. As to myself, it is now near thirty years since I was called into public office. During that period, I have frequently been the servant of the people, always their friend; but at no one moment of my life their flatterer, and God forbid that I ever should be. When the honourable gentleman considers the course we have taken, he must see that the observation he has thus pointed, can light on no object. I trust that it did not flow from a consciousness of his own intentions. He, I hope, had no view of this sort. If he had, he was much, very much mistaken. Had he looked round upon those, who honour us with their attendance, he would have seen that the splendid flashes of his wit excited no approbatory smile. The countenances of those, by whom we were surrounded, presented a different spectacle. They were impressed with the dignity of this house; they perceived in it the dignity of the American people; and felt, with high and manly sentiment, their own participation.

We have been told, sir, by the honourable gentleman from Virginia, that there is no independent part of this government. That, in popular governments, the force of every department, as well as the government itself, must depend upon popular opinion. And the honourable member from North Carolina has informed us, that there is no check for the overbearing powers of the legislature, but public opinion; and he has been pleased to notice a sentiment I had uttered;.....a sentiment which not only fell from my lips, but which flowed from my heart. It has, however, been misunderstood and misapplied. After reminding the house of the dangers to which popular governments are exposed, from the influence of designing demagogues upon popular passion, I took the liberty to say, that *we*, we, the senate of the United States, are assembled here to save the people from their most *dangerous* enemy, to save them from themselves; to guard them against the baneful effects of their own precipitation, their passion, their misguided zeal. 'Tis for these purposes that all our constitutional checks are devised. If this be not the language of the constitution, the constitution is all nonsense. For why are the senators chosen by communities, and the representatives directly by the people? Why are the one chosen for a longer term than the other? Why give one branch of the legislature a negative upon the acts of the other? Why give the president a right to arrest the proceedings of both, until two thirds of each should concur? Why all these multiplied precautions, unless to check and controul that impetuous spirit, that headlong torrent of opinion, which has swept away every popular government that ever existed?

With most respectful attention, I heard the declaration of the gentleman from Virginia, of his own sentiment. "Whatever," said he, "may be my opinion of the constitution, I hold myself bound to respect it." He disdained, sir, to profess an affection he did not feel, and I accept his candour, as a pledge for the performance of his duty. But he will admit this necessary inference from that frank confession, that, although he will struggle (against his inclination) to support the constitution, even to the last moment, yet when, in spite of all his efforts, it shall fall, he will rejoice in its destruction. Far different are my feelings. It is possible that we are both prejudiced; and that, in taking the ground on which we respectively stand, our judgments are influenced by the sentiments which glow in our hearts. I, sir, wish to support this constitution, because I love it. And I love it, because I consider it as the bond of our union; because, in my soul, I believe that on it depends our harmony and our peace; that, without it, we should soon be plunged in all the horrors of civil war; that this country would be deluged with the blood of its inhabitants; and a brother's hand be raised against the bosom of a brother.

After these preliminary remarks, I hope I shall be indulged, while I consider the subject, in reference to the two points which have been taken, the *expediency* and the *constitutionality* of the repeal.

In considering the *expediency*, I hope I shall be pardoned for asking your attention to some parts of the constitution, which have not yet been dwelt upon, and which tend to elucidate this part of our inquiry. I agree fully with the gentleman, that every section, every sentence, and every word of the constitution ought to be deliberately weighed and examined; nay, I am content to go along with him, and give its due value and importance to every stop and comma. In the beginning, we find a declaration of the motives which induced the American people to bind themselves by this compact. And, in the foreground of that declaration, we find these objects specified; *to form a more perfect union, to establish justice, and to insure domestic tranquillity.* But how are these objects effected? The people intended *to establish justice.* What provision have they made to fulfil that intention? After pointing out the courts which should be established, the 2d section of the 3d article informs us, "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting

ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies, to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases beforementioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make."

Thus then we find, that the judicial power *shall* extend to a great variety of cases, but that the supreme court shall have only *appellate* jurisdiction in all admiralty and maritime causes, in all controversies between the United States and private citizens, between citizens of different states, between citizens of the same state, claiming lands under different states, and between a citizen of the United States and foreign states, citizens or subjects. The honourable gentleman from Kentucky, who made the motion on your table, has told us, that the constitution, in its judiciary provisions, contemplated only those cases, which could *not* be tried in the state courts. But he will, I hope, pardon me, when I contend, that the constitution did not merely contemplate, but did, by express words, reserve to the national tribunals a right to decide, and did secure to the citizens of America a right to demand their decision in many cases, evidently cognizable in the state courts. And what are these cases? They are those, in respect to which it is by the constitution presumed, that the state courts would not always make a cool and calm investigation, a fair and just decision. *To form*, therefore, *a more perfect union*, and *to insure domestic tranquillity*, the constitution has said, there shall be courts of the union to try causes, by the wrongful decision of which, the union might be endangered, or domestic tranquillity be disturbed. And what courts? Look again at the cases designated. The supreme court has no *original* jurisdiction. The constitution has said, that the judicial powers shall be vested in the *supreme* and *inferior* courts. It has declared, that the judicial power, so vested, shall extend to the cases mentioned, and that the supreme court shall *not* have *original* jurisdiction in those cases. Evidently, therefore, it has declared, that they shall (in the first instance) be tried by *inferior* courts, with appeal to the *supreme* court. This, therefore, amounts to a declaration, that the *inferior* courts *shall* exist. Since, without them, the citizen is deprived of those rights for which he stipulated, or rather those rights *verbally* granted, would be *actually* withheld; and that great security of our union, that necessary guard of our tranquillity, be completely paralized, if not destroyed. In declaring then, that these tribunals *shall exist*, it equally declares, that the congress *shall* ordain and establish them. I say they *shall;* this is the evident intention, if not the express words of the constitution. The convention in framing, and the American people in adopting that compact, did not, could not presume, that the congress would omit to do, what they were thus bound to do. They could not presume, that the legislature would hesitate one moment, in establishing the organs necessary to carry into effect those wholsome, those important provisions.

The honourable member from Virginia has given us a history of the judicial system, and, in the course of it, has told us, that the judges of the supreme court knew, when they accepted their offices, the duties they were to perform, and the salaries they were to receive. He thence infers, that, if again called on to do the same duties, they have no right to complain. Agreed. But that is not the question between us. Admitting that they have made a hard bargain, and that we may hold them to a strict performance, is it wise to exact their compliance, to the injury of our constituents? We are urged to go back to the old system; but let us first examine the effects of that system. The judges of the supreme court rode the circuits, and two of them, with the assistance of a district judge, held circuit courts, and tried causes. *As a supreme court*, they have, in most cases, only an appellate jurisdiction. In the first instance, therefore, they tried a cause, sitting *as an inferior court*, and then, on appeal, tried it over again, *as a supreme court*. Thus then, the appeal was from the sentence of the judges, to the judges themselves. But say, that, to avoid this incoherence, you will incapacitate the two judges who sat in the circuit, from sitting in the supreme court, to review their own decrees. Strike them off: and suppose, either the same or a contrary decision to have been made on another circuit, by two of their brethren in a similar case. For the same reason, you strike *them* off, and then you have no court left. Is this wise? Is it safe? You place yourselves in a situation, where your citizens must be deprived of the advantage given to them of a court of appeals, or else run the greatest risk, that the decision of the first court will carry with it that of the other.

The same honourable member has given us a history of the law passed the last session, which he wishes now to repeal. That history is accurate, at least in one important part of it. I believe that all amendments were rejected, *pertinaciously* rejected; and I acknowledge that I joined heartily in that rejection. It was for the clearest reason on earth. We all perfectly understood, that to *amend* the bill was to *destroy* it. That, if ever it got back to the other house, it would perish..... Those, therefore, who approved of the general provisions of that bill, were determined to adopt it. We sought the practicable good, and would not, in pursuit of unattainable perfection, sacrifice that good to the pride of opinion. We took the bill, therefore, with its imperfections, convinced that, when it was once passed into a law, it might be easily amended.

We are now told, that this procedure was improper; nay, that it was *indecent*. That *public opinion* had declared itself against us. That a majority (holding different opinions) was *already chosen* to the other House; and that a similar majority *was expected* for that in which we sit.—Mr. President, are we then to understand, that opposition to the majority in the two Houses of congress is *improper*, is *indecent?* If so—what are we to think of those gentlemen, who not only with proper and decent, but with laudable motives, (for such is their claim) so long, so perseveringly, so pertinaciously, opposed that voice of the people, which had so repeatedly, and for so many years, declared itself against them, through the organ of their representatives? Was this indecent in them? If not, how could it be improper for us to seize the only moment which was left for the then majority to do what they deemed a necessary act? Let me again refer to those imperious demands of the constitution, which called on us to establish inferior courts. Let me remind gentlemen of their assertion on this floor, that centuries might elapse before any judicial system could be established with general consent. And then let me ask, being thus impressed with a sense of the duty and the difficulty of performing that arduous task, was it not wise to seize the auspicious moment?

Among the many stigmas affixed to this law, we have been told that the President, in selecting men to fill the offices which it created, made vacancies and filled them from the floor of this House. And that but for the influence of this circumstance, a majority in favour of it could not have been found. Let us examine this suggestion. It is grounded on the supposition of corrupt influence derived from a hope, founded on two remote and successive contingencies. First, the vacancy might or might not exist; for it depended as well on the acceptance of another as on the President's grant; and Secondly, the President might or might not fill it with a member of this House. Yet on this vague conjecture, on this unstable ground, it is inferred, that men in high confidence violated their duty. It is hard to determine the influence of self interest on the heart of man. I shall not, therefore make the attempt. In the present case it is possible, that the imputation may be just, but I hope not, I believe not. At any rate gentlemen will agree with me, that the calculation is uncertain and the conjecture vague.

But let it now, for argument sake, be admitted. Saving always the reputation of honourable men who are not here to defend themselves. Let it I say, for argument sake be admitted, that the gentlemen alluded to acted under the influence of improper motives. What then? Is a law, that has received the varied assent required by the constitution, and is cloathed with all the needful formalities, thereby invalidated? Can you impair its force by impeaching the motives of any member who voted for it? Does it follow, that a law is bad because all those who concurred in it cannot give good reasons for their votes? Is it not before us? Must we not judge of it by its intrinsic merit. Is it a fair argument, addressed to our understanding, to say we must repeal a law, even a good one, if the enacting of it may have been effected in any degree by improper motives? Or is the judgment of this House so feeble, that it may not be trusted?

Gentlemen tell us, however, that the law is materially defective, nay that it is unconstitutional. What follows? Gentlemen bid us repeal it. But is this just reasoning? If the law be only defective, why not amend? And if unconstitutional, why repeal? In this case no repeal can be necessary; the law is in itself void; it is a mere dead letter.

To shew that it is unconstitutional a particular clause is pointed out, and an inference is made, as in the case of goods, where because there is one contraband article on board, the whole cargo is forfeited. Admit for a moment, that the part alluded to were unconstitutional, this would in no wise affect the remainder. That part would be void, or if you think proper, you can repeal that part.

Let us, however, examine the clause objected to on the ground of the constitution. It is said, that by this law the *district* judges in Tenessee and Kentucky, are removed from office by making them *circuit judges*. And again that you have by law appointed two new offices, those of *circuit judges*, and filled them by law, instead of pursuing the modes of appointment prescribed by the constitution. To prove all this, the gentleman from Virginia did us the favour to read those parts of the law which he condemns, and if I can trust to my memory, it is clear from what he read, that the law does not remove these *district judges*, neither does it appoint them to the office of *circuit judges*. It does indeed put down the *district court*; but is so far from destroying the *offices* of district judge, that it declares the persons filling *those offices*, shall perform the duty of holding the *circuit courts*. And so far is it from appointing *circuit judges*, that it declares the *circuit courts* shall be held by the *district judges*. But gentlemen contend, that to *discontinue* the district courts, was in effect to *remove* the district judges. This sir, is so far from being a just inference from the law, that the direct contrary follows as a necessary result; for it is on the principle that these judges continue in office after their courts

are discontinued, that the new duty of holding other courts is assigned to them. But gentlemen say, this doctrine militates with the principles we contend for. Surely not. It must be recollected, Sir, that we have repeatedly admitted the right of the legislature, to change, alter, modify and amend, the judiciary system, so as best to promote the interest of the people. We only contend, that you shall not exceed or contravene the authority by which you act. But, say gentlemen, you forced this new office on the district judges, and this is in effect a new appointment. I answer, that the question can only arise on the refusal of those judges to act. But is it constitutional to assign new duties to officers already existing? I fear that if this construction be adopted, our labours will speedily end; for we shall be so shackled, that we cannot move. What is the practice? Do we not every day call upon particular officers to perform duties not previously assigned to, or required of them? And must the executive in every such case make a new appointment?

But as a further reason to restore, by repealing this law, the old system, an honorable member from North-Carolina has told us, the judges of the supreme court should attend in the states to acquire a competent knowledge of local institutions, and for this purpose should continue to ride the circuits. I believe there is great use in sending young men to travel; it tends to enlarge their views, and give them more liberal ideas than they might otherwise possess. Nay, if they reside long enough in foreign countries they may become acquainted with the manners of the people, and acquire some knowledge of their civil institutions. But I am not quite convinced that riding rapidly from one end of this country to the other is the best way to study law. I am inclined to believe that knowledge may be more conveniently acquired in the closet than upon the high road. It is, moreover, to be presumed that the first magistrate would, in selecting persons to fill these offices, take the best characters from the different parts of the country, who already possess the needful acquirements. But admitting that the president should not duly exercise in this respect his discretionary powers, and admitting that the ideas of the gentlemen are correct, how wretched must be our condition! These, our judges, when called on to exercise their functions, would but begin to learn their trade, and that too at a period of life when the intellectual powers with no great facility can acquire new ideas. We must, therefore, have a double set of judges. One set of apprentice judges to ride circuits and learn, the other set of master judges to hold courts and decide controversies.

We are told, sir, that the repeal asked for is important, in that it may establish a precedent, for that it is not merely a question on the propriety of disbanding a corps of sixteen rank and file; but that provisions may hereafter be made not for sixteen, but for sixteen hundred or sixteen thousand judges, and that it may become necessary to turn *them* to the right about. Mr. President, I will not, I cannot presume, that any such provision will ever be made, and therefore I cannot conceive any such necessity; I will not suppose, for I cannot suppose, than any party or faction will ever do any thing so wild, so extravagant. But I will ask, how does this strange supposition consist with the doctrine of gentlemen, that public opinion is a sufficient check on the legislature, and a sufficient safe-guard to the people. Put the case to its consequences, and what becomes of the check? Will gentlemen say it is to be found in the force of this wise precedent? Is this to controul succeeding rulers in their wild, their mad career? But how? Is the creation of judicial officers the only thing committed to their discretion? Have they not, according to the doctrine contended for, our all at their disposition, with no other check than public opinion, which according to the supposition will not prevent them from committing the greatest follies and absurdities? Take then all the gentleman's ideas, and compare them together, it will result that here is an inestimable treasure put into the hands of drunkards, madmen, and fools.

But away with all these derogatory suppositions. The legislature may be trusted. Our government is a system of salutary checks. One legislative branch is a check on the other. And should the violence of party spirit bear both of them away, the president, an officer high in honour, high in the public confidence, charged with weighty concerns, responsible to his own reputation, and to the world, stands ready to arrest their too impetuous course. This is our system. It makes no mad appeal to every mob in the country. It appeals to the sober sense of men selected from their fellow-citizens for their talents, for their virtue....of men in advanced life, and of maturer judgment. It appeals to their understanding, to their integrity, to their honour, to their love of fame, to their sense of shame. If all these checks should prove insufficient, and alas! such is the condition of human nature, that I fear they will not always be sufficient....the constitution has given us one more. It has given us an independent judiciary. We have been told, that the executive authority carries your laws into execution. But let us not be the dupes of sound. The executive magistrate commands indeed your fleets and armies; and duties, imposts, excises, and all other taxes, are collected, and all expenditures are made by officers whom he has appointed. So far indeed he executes your laws. But these his acts apply not often to individual concerns. In those cases so important to the peace and happiness of society, the execution of your laws is confided to your judges. And *therefore* are they rendered independent. Before then that you violate that independence—Pause—there are state sovereignties, as well as the sovereignty of the general government.—There are cases—too many cases—in which the interest of one is not considered as the interest of the other. Should these conflict—if the judiciary be gone, the question is no longer of law but of force. This is a state of things which no honest and wise man can view without horror.

Suppose, in the omnipotence of your legislative authority, you trench upon the rights of your fellow-citizens, by passing an unconstitutional law: If the Judiciary Department preserve its vigor it will stop you short. Instead of a resort to arms there will be a happier appeal to argument. Suppose a case still more impressive. The President is at the head of your armies. Let one of his generals, flushed with victory, and proud in command, presume to trample on the rights of your most insignificant citizen. Indignant of the wrong, he will demand the protection of your tribunals, and safe in the shadow of their wings will laugh his oppressor to scorn.

Having now, I believe, examined all the arguments adduced to shew the expediency of this motion, and which fairly sifted reduce themselves at last to these two things. Restore the ancient system, and save the additional expense: Before, I close, what I have to say on this ground, I hope I shall be pardoned for saying one or two words about the expense. I hope also that notwithstanding the epithets which may be applied to my arithmetic, I shall be pardoned for using that which I learnt at school. It may have deceived me when it taught that two and two make four. But though it should *now* be branded with opprobrious terms, I must *still* believe that two and two do *still* make four.—Gentlemen of newer theories, and of higher attainments, while they smile at my inferiority must bear with my infirmities, and take me as I am.

In all this great system of saving; in all this ostentatious economy, this rage of reform, how happens it that the eagle eye has not yet been turned to the Mint? That no one piercing glance has been able to behold the expenditures of that department? I am far from wishing to overturn it. Though it be not of great necessity, nor even of substantial importance, though it be but a splendid trapping of your government; yet as it may by impressing on your current coin the emblems of your sovereignty, have some tendency to encourage a national spirit and to foster the national pride; I am willing to contribute my share to its support. Yes, Sir, I would foster the national pride. I cannot indeed approve of national vanity, nor feed it with vile adulation. But I would gladly cherish the lofty sentiment of national pride. I would wish my countrymen to feel like Romans, to be as proud as Englishmen, and going still farther, I would wish them to veil their pride in the well bred modesty of French politeness. But can this establishment, the mere decoration of your political edifice, can it be compared with the massy columns on which rest your peace and safety? Shall the striking of a few half-pence be put into a parallel with the distribution of justice? I find, sir, from the estimates on your table, that the salaries of the officers of your mint amount to 10,600 dollars, and that the expenses are estimated at 10,900; making 21,500 dollars.

I find that the actual expenditure of the last year, exclusive of salaries amounted to

	Dolls.	
	25,154	44
Add the salaries,	10,600	
We have a total of,	35,754	44

A sum which exceeds the salary of these sixteen judges.

I find further, that during the last year they have coined cents and half cents to the amount of 10,473 dollars and 29 cents. Thus their copper coinage falls a little short of what it costs us for their salaries. We have however from this establishment about a million cents, one to each family in America. A little emblematic medal, to be hung over their chimney pieces; and this is all their compensation for all that expense. Yet not a word has been said about the mint, while the judges whose services are much greater, and of so much more importance to the community, are to be struck off at a blow, in order to save an expense which, compared with the object, is pitiful. What conclusion then are we to draw from this predilection?

I will not pretend to assign to gentlemen, the motives by which they may be influenced; but if I should permit myself to make the inquiry, the style of many observations, and more especially the manner, the warmth, the irritability, which have been exhibited on this occasion, would lead to a solution of the problem. I had the honour, sir, when I addressed you the other day to observe, that I believed the universe could not afford a spectacle more sublime than the view of a powerful state kneeling at the altar of justice, and sacrificing there her passion and her pride. That I once fostered the hope of beholding that spectacle of magnanimity in America. And now what a world of figures has the gentleman from Virginia formed on his misapprehension of that remark. I never expressed any thing like exultation at the idea of a State ignominiously dragged in triumph at the heels of your judges. But permit me to say, the gentleman's exquisite sensibility on that subject, his alarm and apprehension, all shew his strong attachment to state authority. Far be it from me, however, to charge the gentleman with improper motives. I know that his emotions arise from one of those imperfections in our nature, which we cannot remedy. They are excited

by causes which have naturally made him hostile to this constitution, though his duty compels him reluctantly to support it. I hope, however, that those gentlemen, who entertain different sentiments, and who are less irritable on the score of state dignity, will think it essential to preserve a constitution, without which the independent existence of the States themselves will be but of short duration.

This, sir, leads me to the second object I had proposed. I shall therefore pray your indulgence, while I consider how far this measure is *constitutional.* I have not been able to discover the expediency, but will now for argument sake admit it; and here, I cannot but express my deep regret for the situation of an honourable member from North-Carolina. Tied fast as he is, by his instructions, arguments, however forcible, can never be effectual. I ought therefore, to wish for his sake, that his mind may not be convinced by any thing I shall say; for hard indeed would be his condition, to be bound by the contrarient obligations of an order and an oath. I cannot, however, but express my profound respect for the talents of those who gave him his instructions, and who sitting at a distance, without hearing the arguments, could better understand the subject than the senator on this floor after full discussion.

The honourable member from Virginia has repeated the distinction, before taken, between the supreme and the inferior tribunals; he has insisted on the distinction between the words *shall* and *may;* has inferred from that distinction, that the judges of the inferior courts are subjects of legislative discretion, and has contended that the word *may* includes all power respecting the subject to which it is applied, consequently to raise up and to put down, to create and to destroy. I must entreat your patience, sir, while I go more into this subject than I ever supposed would be necessary. By the article, so often quoted, it is declared "that the judicial power of the United States, *shall* be vested in one supreme court and in such inferior courts, as the congress *may* from time to time establish." I beg leave to recal your attention to what I have already said of the inferior courts. *That the original jurisdiction of various subjects being given exclusively to them, it became the bounden duty of congress, to establish such courts.* I will not repeat the argument already used on that subject. But will ask those, who urge the distinction between the supreme court and the inferior tribunals, whether a law was not previously necessary before the supreme court could be organized. They reply that the constitution says, there *shall* be a supreme court, and therefore the congress are commanded to organize it, while the rest is left to their discretion. This, sir, is not the fact. The constitution says, the judicial power shall be vested in *one* supreme *court*, and in inferior *courts.* The legislature can therefore only organize *one* supreme court, but they may establish as many inferior courts as they shall think proper. The designation made of them by the constitution is, such inferior courts as the congress may from time to time ordain and *establish.* But why, say gentlemen, fix precisely *one* supreme court, and leave the rest to legislative discretion? The answer is simple. It results from the nature of things, from the existent and probable state of our country. There was no difficulty in deciding, that *one* and *only one* supreme court should be proper or necessary, to which should lie appeals from inferior tribunals. Not so as to these. The United States were advancing in rapid progression. Their population of three millions was soon to become five, then ten, afterwards twenty millions. This was well known as far as the future can become an object of human comprehension. In this increase of numbers, with a still greater increase of wealth, with the extension of our commerce and the progress of the arts, it was evident that although a great many tribunals would become necessary, it was impossible to determine either on the precise number or the most convenient form. The convention did not pretend to this prescience; but, had they possessed it, would it have been proper to have established then all the tribunals necessary for all future times? Would it have been wise to have planted courts among the Chickasaws, the Chocktaws, the Cherokees, the Tuscaroras, and God knows how many more, because at some future day the regions over which they roam might be cultivated by policed men? Was it not proper, wise, necessary to leave in the discretion of congress, the number and the kind of courts which they might find it proper to *establish* for the purpose designated by the constitution. This simple statement of facts; facts of public notoriety, is alone a sufficient comment on an explication of the word on which gentlemen have so much relied. The convention in framing, the people in adopting this compact, say the judicial power shall extend to many cases, the original cognizance whereof shall be by the inferior courts; but it is neither necessary, nor even possible, now to determine their number or their form; *that* essential power therefore, shall vest in such inferior courts as the congress may from time to time, in the progression of time and according to the indication of circumstances, *establish.* Not *provide*, or *determine*, but *establish.* Not a mere temporary provision, but an *establishment.* If after this it had said in general terms, that *judges* should hold their offices during good behaviour, could a doubt have existed on the interpretation of this act, under all its attending circumstances, that the judges of the inferior courts were intended, as well as those of the supreme court? But did the framers of the constitution stop there? Is there then nothing more? Did they risque on these grammatical niceties the fate of America? Did they rest here the most important branch of our government? Little important, indeed, as to foreign danger; but infinitely valuable to our domestic peace and to personal protection against the oppression of our rulers. No. Lest a doubt should be raised, they have carefully connected the judges of both courts in the same sentence; they have said "the judges *both of the supreme and inferior courts,*" thus coupling them inseparably together. You may cut the bands, but you can never unite them. With salutary caution they devised this clause, to arrest the overbearing temper which they knew belonged to legislative bodies. They do not say the judges simply, but the judges of the supreme and inferior courts shall hold their offices during good behaviour. They say therefore to the legislature, you may judge of the propriety, the utility, the necessity of organizing these courts; but when *established*, you have done your duty. Anticipating the course of passion in future times, they say to the legislature, you shall not disgrace yourselves by exhibiting the indecent spectacle of judges established by one legislature removed by another. We will save *you* also from yourselves. We say these judges shall hold their offices: and surely, sir, to pretend that they can hold their office after the office is destroyed, is contemptible.

The framers of this constitution had seen much, read much, and deeply reflected. They knew by experience the violence of popular bodies, and let it be remembered that since that day many of the states, taught by experience, have found it necessary to change their forms of government to avoid the effects of that violence. The convention contemplated the very act you now attempt. They knew also the jealousy and the power of the states; and they established for your and for their protection, this most important department. I beg gentlemen to hear and to remember what I say. It is this department alone, and it is the independence alone of this department, which can save you from civil war. Yes, sir, adopt the language of gentlemen, say with them, by the act to which you are urged, "if we cannot remove the judges we can destroy them." Establish thus the dependence of the judiciary department. Who will resort to them for protection against you? Who will confide in, who will be bound by their decrees? Are we then to resort to the ultimate reason of kings? Are our arguments to fly from the mouths of our cannon?

We are told that we may violate our constitution, because similar constitutions have been violated elsewhere. Two states have been cited to that effect, Maryland and Virginia. The honorable gentleman from Virginia tells us that when this happened in the state he belongs to, no complaint was made by the judges. I will not inquire into that fact, although I have the protest of the judges now lying before me. Judges eminent for their talents, renowned for their learning, respectable for their virtue. I will not inquire what constitutions have been violated. I will not ask either when or where this dangerous practice began, or has been followed. I will admit the fact. What does it prove? Does it prove that because they have violated, we also may violate? Does it not prove directly the contrary? Is it not the strongest reason on earth for preserving the independence of our tribunals? If it be true that they with strong hand seized *their* courts, and bent them to their will, ought we not to give suitors a fair chance for justice in *our* courts, or must the suffering citizen be deprived of all protection?

The gentleman from Virginia has called our attention to certain cases which he considers as forming necessary exceptions to the principles for which we contend. Permit me to say that necessity is a hard law; and frequently proves too much; and let the gentleman recollect that arguments which prove too much prove nothing.

He has instanced a case where it may be proper to appoint commissioners for a limited time to settle some particular description of controversies. Undoubtedly it is always in the power of Congress to form a board of commissioners for particular purposes. He asks, are *these* inferior courts, and must *they* also exist forever? I answer that the nature of their offices must depend on the law by which they are created; if called to exercise the judicial functions, designated by the constitution, they must have an existence conformable to its injunctions.

Again he has instanced the Mississippi Territory, claimed by, and which may be surrendered to the state of Georgia, and a part of the union which may be conquered by a foreign enemy. And he asks triumphantly are our inferior courts to remain after our jurisdiction is gone? This case rests upon a principle so simple that I am surprised the honourable member did not perceive the answer in the very moment when he made the objection. Is it by our act that a country is taken from us by a foreign enemy? Is it by our consent that our jurisdiction is lost? I had the honour, in speaking the other day, expressly and for the most obvious reasons, to except the case of conquest. As well might we contend for the government of a town swallowed up by an earthquake.

General Mason explained.—He had supposed the case of territory conquered and afterwards ceded to the conqueror, or some other territory ceded in lieu of it.

Mr. Morris.—The case is precisely the same. Until after the peace the conquest is not complete. Every body knows that until the cession by treaty, the original owner has the postliminary right to a territory taken from him.—Beyond all question where Congress are compelled to cede the territory, the judges can no longer exist unless the

new sovereign confer the office. Over such a territory the authority of the constitution ceases, and of course the rights which it confers.

It is said, the judicial institution is intended for the benefit of the people, and not of the judge; and it is complained of, that in speaking of the office, we say it is *his* office. Undoubtedly the institution is for the benefit of the people. But the question remains, how will it be rendered most beneficial? Is it by making the judge independent, by making it *his* office, or is it by placing him in a state of abject dependence, so that the office shall be his to-day and belong to another to-morrow? Let the gentleman hear the words of the constitution; it speaks of *their* offices, consequently as applied to a single judge of *his* office, to be exercised by him for the benefit of the people of America, to which exercise his *independence* is as necessary as his *office*.

The gentleman from Virginia has on this occasion likened the judge to a bridge, and to various other objects; but I hope for his pardon, if while I admire the lofty flights of his eloquence, I abstain from noticing observations which I conceive to be utterly irrelevant.

The same honourable member has not only given us his history of the supreme court, but has told us of the manner in which they do business, and expressed his fears that having little else to do, they will do mischief.—We are not competent, sir, to examine, nor ought we to prejudge, their conduct. I am persuaded that they will do their duty, and presume they will have the decency to believe that we do our duty. In so far as they may be busied with the great mischief of checking the legislative or executive departments in any wanton invasion of our rights, I shall rejoice in that mischief.—I hope indeed they will not be so busied, because I hope we shall give them no cause. But I also hope they will keep an eagle eye upon us lest we should. It was partly for this purpose they were established, and I trust, that when properly called on they will dare to act. I know this doctrine is unpleasant. I know it is more popular to appeal to public opinion, that equivocal, transient being, which exists no where and every where. But if ever the occasion calls for it, I trust that the supreme court will not neglect doing the great mischief of saving this constitution, which can be done much better by their deliberations, than by resorting to what are called revolutionary measures.

The honourable member from North-Carolina, more prest by the delicate situation in which he is placed, thinks he has discovered a new argument in favour of the vote which he is instructed to give. As far as I can enter into his ideas, and trace their progress, he seems to have assumed the position which was to be proved, and then searched through the constitution, not to discover whether the legislature have the right contended for, but whether, admitting them to possess it, there may not be something which might comport with that idea. I shall state the honourable member's argument, as I understand it, and if mistaken pray to be corrected. He read to us that clause which relates to impeachment, and comparing it with that which fixes the tenure of judicial office, has observed that this clause must relate solely to a removal by the executive power, whose right to remove, though not indeed any where mentioned in the constitution, has been admitted in a practice founded on legislative construction.

That as the tenure of the office is during *good behaviour*, and as the clause respecting impeachment, does not specify *misbehaviour*, there is evidently a clause of removal, which cannot be reached by impeachment, and of course (the executive not being permitted to remove) the right must necessarily devolve on the legislature. Is this the honourable member's argument? If it be, the reply is very simple. *Misbehaviour* is not a term known in our law.—The idea is expressed by the word *misdemeanor;* which word is in the clause quoted respecting impeachments. Taking therefore the two together, and speaking plain old English, the constitution says: "The judges shall hold their offices so long as they shall *demean* themselves *well*, but if they shall *misdemean*, if they shall on impeachment be convicted of *misdemeanor*, they shall be removed. Thus, sir, the honourable member will find that the one clause is just as broad as the other. He will see, therefore, that the legislature can assume no right from the deficiency of either, and will find that this clause, which he relied on, goes, if rightly understood, to the confirmation of our doctrine.

Is there a member of this house, who can lay his hand on his heart and say, that consistently with the plain words of our constitution, we have a right to repeal this law? I believe not. And if we undertake to construe this constitution to our purposes, and say that public opinion is to be our judge, there is an end to all constitutions. To what will not this dangerous doctrine lead? Should it to day be the popular wish to destroy the first magistrate, you can destroy him. And should he to-morrow be able to conciliate to him the popular will, and lead them to wish for your destruction, it is easily effected. Adopt this principle, and the whim of the moment will not only be the law, but the constitution of our country.

The gentleman from Virginia has mentioned a great nation brought to the feet of one of her servants. But why is she in that situation? Is it not because popular opinion was called on to decide every thing, until those, who wore bayonets, decided for all the rest. Our situation is peculiar. At present our national compact can prevent a state from acting hostilely towards the general interest. But let this compact be destroyed and each state becomes instantaneously vested with absolute sovereignty....Is there no instance of a similar situation to be found in history? Look at the states of Greece. They were once in a condition not unlike to that in which we should then stand. They treated the recommendations of their Amphictionic council (which was more a meeting of ambassadors than a legislative assembly) as we did the resolutions of the old Congress: Are we wise? So were they.—Are we valiant? They also were brave. Have we one common language, and are we united under one head? In this also there is a strong resemblance. But by their divisions, they became at first victims of the ambition of Philip, and were at length swallowed up in the Roman empire. Are we to form an exception to the general principles of human nature, and to all the examples of history? And are the maxims of experience to become false, when applied to our fate?

Some indeed flatter themselves, that our destiny will be like that of Rome. Such indeed it might be if we had the same wise, but vile, aristocracy, under whose guidance they became the masters of the world. But we have not that strong aristocratic arm, which can seize a wretched citizen, scourged almost to death by a remorseless creditor, turn him into the ranks, and bid him as a soldier bear our Eagle in triumph round the globe. I hope to God we shall never have such an abominable institution. But what, I ask, will be the situation of these states (organized as they now are) if by the dissolution of our national compact they be left to themselves? What is the probable result? We shall either be the victims of foreign intrigue, and split into factions, fall under the domination of a foreign power, or else after the misery and torment of civil war, become the subjects of an usurping military despot. What but this compact? What but this specific part of it, can save us from ruin? The judicial power; that fortress of the constitution, is now to be overturned. Yes, with honest Ajax I would not only throw a shield before it, I would build around it a wall of brass. But I am too weak to defend the rampart against the host of assailants. I must call to my assistance their good sense, their patriotism, and their virtue. Do not, gentlemen, suffer the rage of passion to drive reason from her seat. If this law be indeed bad, let us join to remedy the defects. Has it been passed in a manner which wounded your pride, or roused your resentment? Have, I conjure you, the magnanimity to pardon that offence. I entreat, I implore you, to sacrifice those angry passions to the interests of our country. Pour out this pride of opinion on the altar of patriotism. Let it be an expiatory libation for the weal of America. Do not, for God's sake, do not suffer that pride to plunge us all into the abyss of ruin. Indeed, indeed, it will be but of little, very little avail, whether one opinion or the other be right or wrong—it will heal no wounds, it will pay no debts, it will rebuild no ravaged towns—Do not rely on that popular will, which has brought us frail beings into political existence? That opinion is but a changeable thing. It will soon change. This very measure will change it. You will be deceived. Do not I beseech you, in reliance on a foundation so frail, commit the dignity, the harmony, the existence of our nation to the wild wind. Trust not your treasure to the waves. Throw not your compass and your charts into the ocean. Do not believe that its billows will waft you into port. Indeed, indeed, you will be deceived. Oh, cast not away this only anchor of our safety. I have seen its progress. I know the difficulties through which it was obtained. I stand in the presence of Almighty God, and of the world. I declare to you, that if you lose this charter, never! no never! will you get another. We are now perhaps arrived at the parting point. Here, even here, we stand on the brink of fate. Pause—Pause—For heaven's sake pause!

MISCELLANEOUS PARAGRAPHS.

FOR THE PORT FOLIO.

ON the morning preceding the illuminations for the ratifications of the preliminaries, M. Otto received the following lines, in a female manuscript:

A thousand blessings wait on *peaceful* OTTO,
Whose talents so much powder sav'd and shot-o;
Who spar'd those tears, as *salt* as wife of LOT-o,
For carcases that otherwise would rot-o
In *Egypt*....or some other distant spot-o.

—

One of the emblems hung out on the event of the peace, was a *hieroglyphic* of the chief consul's name, which, in less happy times, has been used by a different class of men. This was a *scragg of mutton*, with the explanation under it, *The original Boney part.*

—

A French journalist, after relating that a young man, who had been *deaf* for many years, was cured by the explosion of a cannon fired near him, adds, "these same cannon sometimes do wonders in the *cure* of *deafness!*"

—

The long pending wager of 5000l. a-side, between R. Barclay, Esq. and Captain Fletcher, is expected to be decided in Scotland, in the beginning of next month. Mr. Barclay undertakes to go ninety miles, in twenty-one hours and a half. The last time he attempted to execute the same distance, in the same time, he was taken ill, after having gone over much of the ground, and the odds being in his favour. Mr. B. is in training by one Smith, of Black Hamilton, and is in good health and excellent wind. [*London paper.*

Among the numerous sarcasms upon the ludicrous subject of the "*big bone*" cheese, boyishly made by the great children of Cheshire, and not less boyishly received by a childish philosopher, we think the following will produce the greatest merriment:

FROM THE REPUBLICAN, OR ANTI-DEMOCRAT.

The imagination of the inhabitants of Cheshire was so much expanded by the contemplation of their performance of so Herculean a task, as the manufacture of the Mammoth Cheese, that, in penning their address to the great object of their bounty, they were scarce able to make use of that sublimity of language, which the occasion demanded. The following is the substance of their address:....

A GREAT New-Year's Gift.

The *greatest* Cheese in America,

FOR

The *greatest* Man in America.

TO WIT,

The Author of the History of the *greatest* Beast in America:

GREAT SIR,

It is true we live at a *great* distance from the seat of the *great* national government, yet we claim the *great* right of judging for ourselves. We have a *great* attachment to the constitution, and we have, for several years past, had *great* apprehensions, that the *great* features of it were not properly attended to: Our joy, of course, must have been *great*, on your election to the first *great* office in the nation, having had *great* evidence, from your *great* sentiments, that it would be your *greatest strife and glory to turn back the government to its virgin purity*. The trust is *great*. The task is *great*. But we feel a *great* consolation, that the *great* ruler of the *great* universe, who raises up *great* men to achieve *great* events, has raised up a *great* Jefferson, to defend the *great* principles of republicanism.

Sir, we have attempted to prove our *great* love to our *great* president, not in *great* words, but in *mighty deeds*. With this address, we send you a *great* Cheese, by the hands of the *greatest* men amongst us, as a *huge pepper-corn* of the *great* esteem we bear our *chief* magistrate. It is not the last stone in the Bastile *(we presume they mean it is not so* great *as the greatest stone in the Bastile)*, nor is it of any *great* consequence as an article of worth, but we hope it will be received as a *great* free-will offering. This *great* Cheese, *great* sir, was not made by a *great* lord, for his *great* majesty, nor with a view to gain *great offices*, or *great* titles, but by the *great* personal labour of the *greatest farmers* in our *great* state, without the assistance of a single slave, for an elective president of a *great* people, with the only view of casting a *huge* mite into the *great* scale of democracy. The late return of republicanism has *greatly* induced the inhabitants of Cheshire, to treat the *great* characters, who now fill the *great* offices, with *great* respect. We had, sir, formed the *vast* project of putting some *grand* inscription on this *great* cheese, but we were *greatly* dissuaded from this attempt, from the *great* inconveniency we find in paying the *great* expense on *stamped paper*. May the *Aimighty* God *greatly* preserve your life for a *long* time, as a *great* blessing to the United States, and to the world at *large*.

—

DUANE *v.* DANA.

"The republicans heard him with regret, and while he *forbid* all consideration for himself, every one who felt for *the dignity of legislative proceeding*, lamented." This is not the first chapter of lamentations, that Mr. Dana has furnished for the democrats. We would only ask, where was all this delicacy of feeling, this exquisite sensibility, for the *dignity of legislative proceedings*, when Matthew Lyon was guilty of so vile an outrage against it? Mr. Dana only scattered keen-edged words, to wound republican pride.....but *the Lyon* did a dirty trick, for which he was justly chastized, by a gentleman, and had he met entire justice, would have been thrust out of congress.

—

It is a doubtful matter, whether *our* president Jefferson, can write one sentence of correct and classical English. Shall we attribute this egregious deficiency in scholarship to the same unworthy affectation, which is said to have possessed Frederic II of Prussia, who would seldom speak, and never wrote correctly his mother tongue? Or is it a portion of that deep-rooted malignity against every thing English, which Mr. Jefferson is known to entertain, that makes him disdain even to write *their* language with accuracy?

Take the following specimen:....." If revealed religion has not been able to guard itself against misrepresentations, *I could not expect it.*" Make what you can *of it*, reader!

—

We shall certainly run the risk of being charged with *quibbling*, by the Aurora, if we continue to expose all the murders committed by the writers in that paper, upon sense, grammar, and language. From the president of the United States down to Tench Coxe (a wide distance we own), there is scarcely one man of the party, that is not in the habit of employing the *true-American* words, *illy* and *lengthy*, whenever they can. In the paper of Thursday, we find the following. "Curious facts, relative to a country, *illy* understood." We beg leave to substitute the word *language* for *country*.

—

The Aurora-man calls upon his *Hog* correspondent to come and get his swill again. For himself, he don't like, and will none of it.

—

As many have expressed a curiosity to obtain some memoirs of the celebrated Mr. WINDHAM, the Editor has been at considerable pains to obtain from English journals a correct biography. Hitherto his search has been fruitless. Meanwhile, let our readers accept the following paragraph.

This gentleman is member of parliament for Norwich, and is noted for the decision, boldness, and correctness of his parliamentary conduct. He was a brilliant member of that *literary club*, in which *Dr. Johnson, Edmund Burke, &c.* so long mingled, and was most lavishly commended by the former in various instances. As a high proof of his political talents, the following *extorted* praise has been bestowed even by a reluctant jacobin.

The talents of Mr. Windham, as a politician, are highly respectable. With his education, his experience, his powers of reasoning, and his indefatigable efforts in favour of the cause, which he espouses, he is certainly a valuable acquisition to the ministry. In abstract questions, where the abstruse aid of logic may be serviceable, Mr. Windham will ever have the pre-eminence of any member at present in parliament. His arguments are scholastic, ingenious, and marked with a precision, characteristic of himself. In his language, he is chaste, copious and forcible. His mode of reasoning attracts the most severe attention, while it frequently conveys irresistible conviction to the most sceptical. He seldom enters into narrative or description. His mind is wholly employed in evincing the fallacy. His voice is articulate, and possesses an uniform tenour of power. He never attempts the false glare of rhetorical figure, or splendid diction. Anxious to pursue the more solid sources of his reasoning faculty, he trusts to the mere aid of his logical powers to display his arguments. Few possess more acuteness in discerning the weak parts of his adversay's sentiments, or have the power of confuting them with more effect. He is a character of respectable habits, high talents, and useful acquisitions; and impartiality must acknowledge that his loss is as much felt by his former friends, as his support is cherished by those, with whom he now adheres.

—

Among the many pleasantries, the federal sneerers have invented to raise the laugh at the expence of our French treaty bearer, the following song, the production as we understand of a *lady*, in the Gazette of the U. S. is at once good humoured, easy, and poetical.

NANCY DAWSON'S RETURN.

Since Nancy Dawson's come to town,
No LONDON DOLL will now go down,
For every ribbon, hat and gown,
Consult with Nancy Dawson.

For she can tell you to a hair,
The size, and hue of wig to wear,
When to dress, and when go bare:—
Most knowing Nancy Dawson!

'Tis said, and I believe it true,
Such skill in lace did Nancy shew,
She gained a prize, obtain'd by few:—
Oh! lucky Nancy Dawson!

The prize, the Paris belles agreed,
For Nancy's taste, should be decreed—
A DOG of Madame Talien's breed:—
Sweet pet for Nancy Dawson!

This is not all that Nancy brings,
But many other pretty things,
For which, the Muse in rapture sings
The praise of Nancy Dawson.

—

The Parisian *elegantees* do not wear their ribbons in a bow or a knot on the head, but with the ends cut into *horns*, as more *appropriate emblems*.

—

"Your *face* belies you," said a gentleman to a *rubicond beggar*. "Ah! Master," replied the mendicant, "it is not my face, but my landlord's, he is not paid for it yet."

—

A new discovery has been lately made, which if it should prove useful, will not be entitled, at all events, to the praise of humanity. It is a receipt for the destruction of the field mice. By catching a dozen, and confining them in a cage without food, they will be reduced to the necessity of *eating one another*. The survivor being set at liberty, will fly to the holes of his former companions, and having been thus a cannibal, will fall upon and destroy the whole brood.

[*Farmer's Museum.*]

—

The Ladies have just now adopted a *repulsive* kind of hat, which may be called the *Poking Hat*; it has a long projection, like the beak of a snipe, and is a good guard against all familiar approach of those who have any regard for their eyes. It is an invention inspired by the *Goddess of Ugliness*, and is quite worthy of its origin.

—

Trotting match.—On the morning of the 7th inst. a black, poney 11 1-2 hands high, the property of Mr. Samuel Shephard, of Brotherton, was matched, for 20gs. to trot one mile upon the Doncaster road in 6 minutes, carrying its owner, who rode 14 1-2st. and performed it with great ease in 4 minutes and 45 seconds, to the astonishment of a number of spectators [*York Cairant.*]

—

At the last *Malton Races*, a match was run betwixt two Hunters, which could arrive at a given point in the shortest time. They went the distance (four miles) in less than fifteen minutes, and took one hundred leaps in their way as they crossed the country. Mr. *TEASDALE* was the winner; Mr. *DARLEY* the loser, on whom the odds were at starting. [*York Herald.*]

NOTHING.

(FROM A PARIS PAPER.)

In spite of the wit with which the eyes of our fair readers generally inspire us, we cannot deny that we are on some occasions afflicted with such a degree of mental sterility as to be utterly incapable of producing any thing at all smart or entertaining.—What must we say under such circumstances? *Nothing*, reply our fair readers. That is precisely what we have now resolved to do. But you will say, that *Nothing* is a very insignificant subject. Is this really your opinion? For our part, on the contrary, we believe that *Nothing* is at present every thing. May not the greater number of the voluminous romances, which consume so much paper, and stuff the shelves of so many libraries, be very fairly reduced to *Nothing?* Are they not made of *Nothing?* Are they not sold, or at least are they not read for *Nothing?* What is obtained from reading them? Literally *Nothing*. How many people are there now a days, who, though originally *Nothing*, have, after being for a moment something, again relapsed into *Nothing?* What is there in most cases in those pretty heads which not unfrequently turn ours? *Nothing*. The young *Olympe* pleads for a divorce from the old *Geronte*, to whom she was married last year. What is it he has been doing during the year of their marriage? Why truly he has been doing *Nothing*. What does the prude *Orphise*, who exclaims so loudly against naked bosoms, conceal under the triple fur? Why she conceals *Nothing*. Can you conceive any thing more witty and spirited than Mr. Sheridan's Comedies, or more dull and insipid than the monstrous farces of Kotzebue? *Nothing*. Is there any thing more unhappy than the lot of an unfortunate stock-jobber, more unfeeling than the heart of a rich miser, more light than the vows of a lover, more dull than the verses of Small Pybus? Still the answer is *Nothing*. You see then that *Nothing* is every thing, and even above every thing, for what is wanting to what has every thing. But *Nothing* has no where so great influence as over the fair sex. They know how to please with *Nothing*. With *Nothing* they play off all their attractions. A *Nothing* vexes and consoles them; a *Nothing* puts them out of humour, and the same *Nothing* restores them to cheerfulness. A *Nothing* gives them the vapours, and in its turn affords them pleasure and amusement. But we will no longer trespass on your patience with *Nothing:* and therefore we shall here close our remarks on *Nothing!*

—

Two Suitors in Chancery, being reconciled to each other after a *very tedious and expensive suit*, lately applied to an artist to paint a device in commemoration of their returning amity and peace. The Artist accordingly painted one of them in his *shirt* and the other *stark naked.*

—

ANECDOTE OF THE LATE ISAAC SPARKS.

Sparks was a well known *bon vivant*, and devoted his evenings to the purple deity. It was remarked, that, when he got his quantum of the juice of the grape, he entirely lost his power of speech, though he retained the use of his limbs. Mr. Foote was his constant companion in his nocturnal revels, who was as diminutive in stature, as the other was tall and robust. One night, from having been remarkable festive, our chief joker could not *speak*, and Foote was not able to *stand*. Sparks took him up, and placed him on a straddle on his neck and shoulders. In this manner they quitted the tavern. During their walk home, they were accosted by a watchman, who demanded who they were. Sparks pointed up to Foote, as much as to hint he would inform him; who, on being asked, replied, "that he was only *seeing* the gentleman home."

—

"The New-England Palladium" contains the following testimony, in favour of the ex-secretary of state; and the Editor of the Port Folio is proud to repeat, in every mode, and from every vehicle, the praise of pure integrity, which nothing can tarnish, and valiant decisiveness, which never wavered or veered:

"The democratic party are very eager to call for accounts. The honesty of such a man as Col. Pickering, though unspotted through life, is not voucher enough for these dragons, who pretend to watch the treasury. They seem to hold it a *merit* to *examine*, when they confess it would be a *folly* to *suspect*.

"Now is this democratic jealousy a sort of stuff for shew, or is it for use? If it be their holiday suit, their inauguration dress, we, the people, may find out, in case they persist to make every day's wear of it, that it is as flimsy as it is tawdry. The democrats will be soon out at the elbows. If it be for use, pray is not Mr. Gallatin as much to be suspected as Colonel Pickering? The *American*, often tried, and in trying times, and never found wanting, is surely as well entitled to confidence, as the *foreigner*, who, on the only trial he has been put to, was found wanting. If they must be jealous, and they must, for fear is the instinct of weakness, *there* let them fix their eyes. The man, whose country lies on the other side of the Atlantic, and whose principles, if he has any, are to be found on the other side of the *Allegany*, is a proper subject of their watchfulness. Yet their democratic eyes, like the owl's, are struck blind when there is light, and are opened to nothing but darkness. They see nothing that is obvious.....they believe nothing that is proved....their faith is ever the most stubborn, where the grounds of suspicion are the lightest. From examining the secretaries Pickering and Wolcott's accounts, we are told nothing, not even suspicion will result, for they do not pretend to suspect them. Nevertheless, they will examine. The account of French piracies is thirty millions, *that*, they say, must *not* be examined. *No questions asked*, as advertisements for the return of stolen goods say; let us ratify a treaty that spunges out the claim. Neither French nor Swiss accounts, it seems, need vouching or examining. With respect to them, jacobin faith has its perfect work."

—

The vice president of the United States combines, in happy union, his duty and his delight. Now at New-York, frolic and free; and now at Washington, laborious and crafty. Wise as a *serpent*, though not quite as harmless as a *dove*, he can employ his versatile energies in the most diverse direction, and, like the younger LYTTLETON, after convincing or alluring his hearers, by his *morning* eloquence, can, at *eve*, retire

> "To sport with Amaryllis in the shade,
> Or with the tangles of Nærea's hair."

—

The Aurora advertises for two smart *devils*, of *good morals*, as apprentices to the printing business.

—

In the "New-York Evening Post," we read, with full assent, the following compliment to the talents of Mr. G. MORRIS:

"The speech of Mr. Governeur Morris is a very elegant specimen of that gentleman's talents. It well deserves the high encomiums which have been bestowed upon it. Were we to study to characterise it in a sentence, we should say, it was argumentative, yet graceful; bold, yet respectful; witty, yet dignified; resembling, in happy quotation, and illustrative metaphor, the manner of Burke, without his exuberance. The friends of Mr. Morris, who have the cause of federalism at heart, and whose alarms for our constitution have, of late, been too much excited, view, with sensations of extreme pleasure, this splendid exertion of that gentleman's abilities. High expectations have long been entertained, that he would produce something worthy of his luminous mind, and we rejoice that the hopes of the most sanguine are at length gratified. He has now given us a pledge, that he will not stand aloof in this period of common danger."

—

ORIGINAL POETRY.

FOR THE PORT FOLIO.

SMOKING A SEGAR,

IN THE MANNER OF MILTON.

PROP'D in an elbow chair, Fumoso sat,
With legs divaricating, and with heels
Recumbent on the stove's projecting plate.
Around his head, in sombrous volumes roll'd
The clouds of pungent smoke, from volute leaf
Of plant perfum'd, delicious with the scent
Of od'rous bean, dear bought, and brought from far!
His head sublime, thrown back in lofty state,
The ceiling's height contemplates; nor disturb'd
Its musing trance, except betimes to squirt
The sputtering streams of bland saliva off.
Nor minds the plaints of Betty or of Jack,
For brass resplendent sullied; or the spots
That mar the nicely blacken'd, shining face
Of Franklin's economic fount of heat.
While on the mantle stands the cheering glass
Of Gallic cordial, temper'd with the stream
Of limpid Schuylkill, which erewhile he sips,
And feels his soul expand, and dreams of bliss
Supreme, in Fancy's airy visions lost.
In his mind's eye he sees the blooming fair
Simper, or smile upon him;....she, for whom
He almost would resign the fragrant fumes
Of lov'd segar, and purify his breath.
But now Ambition fires his swelling thoughts,
With schemes of public good. He dares to court
And win the people's voice. The senate hears
His voice, resounding in her spacious hall,
And patriots listen, while Fumoso rails.
His hand aloft extending, wav'd sublime
In circle bold.....alas! the blazing top
Of taper sunk it strikes.....the light's extinct!
His knuckles too are sing'd!....the charm dissolves!
His last segar begins to scorch his lip;
The drowsy watchman bellows "dwelf a glock!"
Fumoso starts! relumes the extinguish'd wick,
*And sadly silent seeks the sweets of sleep.
Sic transit gloria mundi.

QUIZ.

* A remarkable instance of allitteration!! plaudite lectores. SCRIB.

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